

REMARKS

In the Office Action, the Examiner rejected claims 5, 11, 12, 15, 17-26 and 28 under 35 USC § 102(e), and rejected claims 10 and 12 under 35 USC § 103(a). These rejections are fully traversed below.

Claims 5, 12, 25 and 28 have been amended to further clarify the subject matter regarded as the invention. In addition, to expedite prosecution, claim 26 has been cancelled. Thus, claims 1-5, 11, 12, 15, 17-25 and 28 remain pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS 25 AND 26 UNDER 35 USC § 112

In the Office Action, the Examiner rejected claims 25 and 26 under 35 USC § 112(2) as being indefinite. To expedite prosecution, Applicant has amended claim 25 and cancelled claim 26. Accordingly, it is respectfully submitted that the Examiner should withdraw the rejection 35 USC § 112(2).

REJECTION OF CLAIMS 5, 11 and 28 UNDER 35 USC § 102(e)

In the Office Action, the Examiner rejected claims 5, 11 and 28 under 35 USC § 102(e) as being unpatentable over Harris et al., U.S. Patent No. 5,878,416. This rejection is fully traversed below.

Harris et al. describes an automated system and method for matching an item of business property to a recipient. A matching system 30 receives allocation and authorization information for an excess or otherwise available item and then matches the item to a recipient having made an item request. Harris et al., col. 2, lines 29-32. "The item may be any tangible piece of equipment or other business property owned, leased, managed, maintained, or otherwise under the control or supervision of the organization or for which the organization may be responsible." Harris et al., col. 2, lines 33-37.

Claim 5, on the other hand, pertains to a method for sending data over the Internet. While Harris et al. may use electronic communication and data storage to

track and match items of business property, Harris et al. is not operating to process requests for electronic resources from remote server over the Internet and then to send the requested resource to a plurality of requestor. More particularly, claim 5, among other things, recites “retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests” (claim 5, lines 5-6). In Harris et al. there is no teaching or suggestion for retrieval of a particular resource (electronic) from a remote server. There is also no teaching or suggestion for retrieval of the particular resource once and then sending such to a plurality of requestors. While Harris et al. can prioritize item requests, Harris et al. does not and cannot send an item of tangible business property to more than one requestor. Therefore, it is respectfully submitted that the Examiner should withdraw the rejection of claim 5 under 35 USC § 102(e) as being unpatentable over Harris et al.

Claim 11 depends from claim 5 and thus its rejection under 35 USC § 102(e) as being unpatentable over Harris et al. should also be withdrawn. In addition, it is noted that claim 11 also recites use of “multi-destination data packets” to carry data of the particular resource to a plurality of requestors for such data. As to this limitation, the Examiner references col. 2, lines 30-53; col. 5, line 45 to col. 6, line 50; and col. 7, lines 39-41. However, none of these portions nor any other portion of Harris et al. provides any teaching or suggestion for multi-destination data packets.

Claim 28 pertains to a system for sending data over the Internet. For reasons similar to those noted above with respect to claim 5, it is submitted that the rejection to claim 28 under 35 USC § 102(e) should be withdrawn.

REJECTION OF CLAIMS 12, 15 AND 17-26 UNDER 35 USC § 102(e)

In the Office Action, the Examiner rejected claims 12, 15 and 17-26 under 35 USC § 102(e) as being unpatentable over Agrusa et al., U.S. Patent No. 7,003,558. This rejection is fully traversed below.

Agrusa et al. describes a method for communicating information and controlling equipment. The system in Agrusa et al. can aggregate requests for information directed to a computer that controls a piece of process control equipment, obtain the information being requested, and deliver the information to the requestors.

Claim 12 pertains to a method for sending data over the Internet. Among other things, the method receives a plurality of requests (from different requestors) for a particular resource provided at a remote server on the Internet, and retrieves the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests. The particular resource can then be transferred to the different requestors. The transfer of the data follows a specific process specified in claim 12. Such specific process uses a data distribution center and multi-destination data packets to transfer the particular resource to the different requestors. However, Agrusa et al. lacks any teaching or suggestion for use of a data distribution center or multi-destination data packets to transfer a particular resource to different requestors. Therefore, it is respectfully submitted that the Examiner should withdraw the rejection of claim 12 under 35 USC § 102(e) as being unpatentable over Agrusa et al.

Claim 15 pertains to a data transmission system for transmitting data from content servers to requestors through a data network. The data transmission system comprises a plurality of data distribution centers. Data transmissions occur between the content servers and the data distribution systems using a multi-destination format so as to reduce congestion. In contrast, as noted above, Agrusa et al. lacks any teaching or suggestion for use of a data distribution center or multi-destination data packets to transfer a particular resource to the different requestors. Hence, it is respectfully submitted that the Examiner should withdraw the rejection of claim 15 under 35 USC § 102(e) as being unpatentable over Agrusa et al.

Claim 21 pertains to a system for transmitting data through a data network from servers to clients. Claim 21 recites a plurality of data distribution centers and use of multi-destination packets to carry the data to at least one data distribution centers. For similar reasons, it is respectfully submitted that the Examiner should withdraw the rejection of claim 21 under 35 USC § 102(e) as being unpatentable over Agrusa et al.

Claim 25 pertains to a method for transferring data through a data network from a server to clients. The method recites the transferring of data between the server and a data distribution center using a multi-destination format. As previously noted, Agrusa et al. fails to teach or suggest use of a multi-destination format for the transfer of data to a data distribution center. Therefore, it is respectfully submitted that the Examiner should

withdraw the rejection of claim 25 under 35 USC § 102(e) as being unpatentable over Agrusa et al.

Based on the foregoing, it is submitted that claims 5, 12, 15, 21, 25 and 28 are patentably distinct from Harris et al. or Agrusa et al. In addition, it is submitted that dependent claims 11, 17-20 and 22-24 are also patentably distinct for at least the same reasons as their corresponding independent claim. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Kenner et al. or Barnett et al. Thus, it is respectfully requested that the Examiner withdraw the rejections under 35 USC § 102(e).

SUMMARY

It is submitted that claims 5, 11, 12, 15, 17-25 and 28 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 1801-P001).

Respectfully submitted,

/C. Douglass Thomas/

C. Douglass Thomas
Reg. No. 32,947

Technology & Innovation Law Group, PC
19200 Stevens Creek Blvd., Suite 240
Cupertino, CA 95014
408-252-9991